

# **CITY OF PETALUMA**

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## **PETALUMA WATER RECYCLING EXPANSION PROGRAM**

**FINAL EIR**

**OCTOBER 22, 2008**

State Clearinghouse #2007052146

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# 1 INTRODUCTION

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The Final EIR for the Water Recycling Expansion Program (the "Project" or the "WREP") consists of the Draft EIR, and the comments, responses to comments and replacement pages found in this volume.

## **CERTIFICATION AND PROJECT SELECTION PROCESS**

The Petaluma City Council is scheduled to consider certification of the EIR at its regular meeting on November 3, 2008, at 3:00 p.m. at the Petaluma City Council Chambers, 11 English Street. To certify the Final EIR, the Council must find that:

- 1) the Final EIR has been completed in compliance with CEQA; and
- 2) the Final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the Final EIR prior to selection of a Project (CEQA Guidelines Section 15090).

If the City certifies the Final EIR, the City will also consider approval of the Project at that time. At the time of project approval the Petaluma City Council, as the decision-making body, must consider the information presented in the Final EIR. A public agency may not decide to approve a project unless the agency has: a) eliminated or substantially lessened all significant effects on the environment; and/or b) determined that any remaining significant effects are acceptable due to benefits of the project which override the remaining effects. The decision makers must balance the benefits of the project against its unavoidable environmental risks. If they determine that benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." If the City Council makes such a determination, it must support the action by adopting a written Statement of Overriding Considerations ("SOC") citing the basis for its decision, and include the SOC in the record of project approval (CEQA Guidelines Section 15093).

## **PUBLIC INVOLVEMENT DURING THE DRAFT EIR AND FINAL EIR PHASE**

On May 30, 2007, a Notice of Preparation was distributed to the State Clearinghouse and to interested and responsible local and state agencies. On May 31, 2007, the City held a public informational pre-scoping meeting at the Petaluma Community Center at Lucchesi Park. At this meeting, the City presented the project to the public and discussed the various ways in which the public could participate in the EIR process. On June 12, 2007, the City held a Scoping Meeting, also at the Community Center, to solicit comments about the issues that should be addressed in the EIR. The meetings were noticed in the Press Democrat (three times) and the Petaluma Argus Courier (two times), and two email distributions were sent to interested persons. The scoping period ended on July 2, 2007.

The public comment period for the Draft EIR began on July 7, 2008, with the distribution of the Draft EIR by the City of Petaluma. A Notice of Availability of the Draft EIR was published in the Petaluma Argus Courier on July 3, 2008, and the Press Democrat on July 7, 2008. The Notice of Availability was emailed and mailed on July 7, 2008, to various local agencies, interested groups and individuals. The Draft EIR was distributed to federal, state and local agencies. In addition, the Draft EIR was made available at City Hall, the Water Resource and Conservation Department, the Petaluma Library, the Senior Center, the Community Center, and the Chamber of Commerce.

On August 26, and September 8, 2008, public hearings on the Draft EIR were held before the Petaluma Planning Commission and City Council, respectively. The formal public comment period closed on August 20, 2008. However, comments received after the close of the public comment period, through September 8, 2008, have been considered in the preparation of the Final EIR.

A Notice of Availability of the Final EIR was emailed and mailed on or around October 21, 2008 to various federal, state and local agencies and interest groups and individuals. The Final EIR was sent to all agencies who commented on the Draft EIR.

## ANALYSIS OF PUBLIC RESPONSE

During the 45-day public comment period, the City of Petaluma received six comment letters, which included 44 comments on the Draft EIR. A total of 12 members of the public, Planning Commission, and City Council presented 39 comments during the public hearings. Every comment was counted regardless of whether it duplicated a comment made in a previous comment letter or at the public hearings. The comment letters and associated comments were received from individuals and agencies, as shown in Table 1-1.

**TABLE 1-1**

**Type of Commenter**

	Letters/Speakers		Comments	
	Number	Percentage	Number	Percentage
Federal Agencies	0	0	0	0
State Agencies	5	28%	37	44%
Regional/Local Agencies	0	0	0	0
Individuals	1	5%	7	8%
Public Hearing Speakers	12	67%	40	48%
Total	18	100 %	84	100%

## CONSIDERATION OF RECIRCULATION

If significant new information is added to an EIR after public review, the lead agency is required to re-circulate the revised document (CEQA Guidelines Section 15088.5). "Significant new information" includes, for example, a new significant environmental impact or a substantial increase in the severity of an impact. New information is not considered significant unless the document is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the proponent has declined to implement. No new information has been submitted to indicate a new significant impact or substantially more severe impact. Therefore, there is no need to re-circulate a revised Draft EIR.

## ORGANIZATION OF THE FINAL EIR

The Final EIR consists of three sections, which include the responses to comments, both written and oral, received on the Draft EIR, as well as other material which is related to the responses to comments. These three sections are:

Chapter 1 – Introduction. This chapter provides an introduction and summarizes the CEQA instructions to the lead agency for preparation of responses to substantive public comments on the Draft EIR.

Chapter 2 – Responses to Comments. Copies of the comment letters and the comments from the two public hearings, and the responses to comments are included in this chapter. All comments received during the comment period are responded to in this Chapter.

Chapter 3 – Replacement Pages. Replacement pages represent the edits to the Draft EIR caused by the response to comments. The pages have been designed for insertion into the Draft EIR making the revised Draft EIR a stand-alone document. Replacement pages are formatted in revision fashion: strikeouts indicate deleted text and underlines indicate additional text.

## COMMENTS RECEIVED

A list of the comment letters and oral comments received is shown below in Table 1-2. Comment letters received during the review period are numbered starting with 100; oral comments received at the public hearings are numbered from PH 1 to PH 40.

**TABLE 1-2**  
**Comments Received**

Letters Received				
Letter	Agency/Organization	Last Name	First Name	Letter Date
100	State of California Governor's Office of Planning and Research	Roberts	Terry	08/21/2008
101	State of California Native American Heritage Commission	Sanchez	Katy	07/14/2008
102	State of California Department of Fish and Game	Armor	Charles	08/01/2008
103	State of California Water Resources Control Board	Jones	Michelle	08/07/2008
104	State of California Department of Transportation	Carboni	Lisa	08/20/2008
200	-	Torres	Diane	09/08/2008

**TABLE 1-2**  
**Comments Received**

<b>Public Hearing Comments</b>				
<b>Comments</b>	<b>Agency/Organization</b>	<b>Last Name</b>	<b>First Name</b>	<b>Hearing Date</b>
PH1 – PH2	Planning Commission	Burton	Commissioner	08/26/2008
PH3 – PH7	Planning Commission	Sullivan	Vice Chair	08/26/2008
PH8	Planning Commission	Arras	Vice Chair	08/26/2008
PH9 – PH11	Planning Commission	Miller	Chair	08/26/2008
PH11 – PH16	Petaluma Chapter of Realtors	Loss	Jerry	08/26/2008
PH17	Planning Commission	Miller	Chair	
PH 18	Planning Commission	Burton	Commissioner	08/26/2008
PH19	Planning Commission	Rittenhouse	Commissioner	08/26/2008
PH20 – PH21	Planning Commission	Sullivan	Vice Chair	08/26/2008
PH22	Planning Commission	Arras	Vice Chair	08/26/2008
PH23	Planning Commission	Miller	Chair	08/26/2008
PH24 – PH26	–	Torres	Diane	09/08/2008
PH27	–	Guy	Marcelle	09/08/2008
PH28	–	Moynihan	Bryant	09/08/2008
PH30	–	Renée	Tiffany	09/08/2008
PH31 – PH34	City Council	Torliatt	Mayor	09/08/2008
PH35 – PH39	City Council	Rabbitt	Vice Mayor	09/08/2008
PH40	City Council	Torliatt	Mayor	09/08/2008

## **2 RESPONSE TO COMMENTS**

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This chapter contains copies of the written comments received by the City through September 8, 2008, and the responses to these comments. It also contains summaries of the oral comments received at the public hearings on August 26, and September 8, 2008, and the responses to these comments.

When changes to the Draft EIR are necessitated, the change is indicated by indented text. Text that has been added to the document is indicated in underline font, while text that has been deleted is indicated with ~~strikethrough~~ font.





ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

August 21, 2008

Margaret Orr  
City of Petaluma  
202 North McDowell Boulevard  
Petaluma, CA 94954

Subject: Water Recycling Expansion Program  
SCH#: 2007052146

Dear Margaret Orr:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 20, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

100-1

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2007052146  
**Project Title** Water Recycling Expansion Program  
**Lead Agency** Petaluma, City of

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**Type** EIR Draft EIR  
**Description** The WREP consists of approximately 1,025 to 1,070 MG per year of recycled water use for agricultural and urban uses within the Urban Growth Boundary of the City of Petaluma and unincorporated areas of Sonoma County south and east of the City. The WREP requires conveyance facilities, including distribution pipelines, a 2.2-MG storage tank for tertiary treated recycled water, a 0.5- to 1.0-MG open reservoir for secondary treated recycled water, one new pump station, and associated connecting pipelines and other appurtenances. The project would occur in phases starting in 2009 and continue through 2025.

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**Lead Agency Contact**

**Name** Margaret Orr  
**Agency** City of Petaluma  
**Phone** (707) 778-4487 **Fax**  
**email**  
**Address** 202 North McDowell Boulevard  
**City** Petaluma **State** CA **Zip** 94954

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**Project Location**

**County** Sonoma  
**City** Petaluma  
**Region**  
**Lat / Long** 38° 14' N / 122° 38' W  
**Cross Streets** Numerous  
**Parcel No.** Numerous  
**Township** 4N,5N **Range** 7W **Section** Many **Base**

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**Proximity to:**

**Highways** 101  
**Airports** Petaluma Airport  
**Railways** NWPR  
**Waterways** Petaluma River  
**Schools** Numerous  
**Land Use** Varies throughout the City and in the unincorporated areas.

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Public Services

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**Reviewing Agencies** Caltrans, District 8; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Department of Health Services; Integrated Waste Management Board; State Water Resources Control Board, Clean Water Program; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

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**Date Received** 07/07/2008 **Start of Review** 07/07/2008 **End of Review** 08/20/2008

## **LETTER 100 RESPONSE TO COMMENTS**

### **Response to Comment 100-1**

This is not a comment on the adequacy of the Draft EIR. The City appreciates the acknowledgment that State Clearinghouse review requirements have been met. For responses to comments submitted by State agencies refer to Letters 101 through 104.

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-4082  
 (916) 657-5390 - Fax



July 14, 2008

Margaret Orr  
 City of Petaluma  
 202 North McDowell Boulevard  
 Petaluma, CA 94954

RE: SCH#2007052146 Water Recycling Expansion Program; Sonoma County.

Dear Ms. Orr:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) regarding the above project. To adequately assess and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present. 101-1
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center. 101-2
- ✓ Contact the NAHC for a Sacred Lands File Check.
  - **Check Completed with negative results, 07/14/08**  
 The absence of specific site information in the Sacred Lands File does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites (see below). 101-3
- ✓ Contact the NAHC for a list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.
  - **Native American Contacts List attached**  
 The NAHC makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend other with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received. If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. 101-4
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

101-5

Sincerely,



Katy Sanchez  
Program Analyst  
(916) 653-4040

CC: State Clearinghouse

**Native American Contacts**  
**Sonoma County**  
**July 14, 2008**

The Federated Indians of Graton Rancheria  
 Gene Buvelot  
 6400 Redwood Drive, Ste 300 Coast Miwok  
 Rohnert Park , CA 94928 Southern Pomo  
 coastmiwok@aol.com  
 (415) 883-9215 Home

Dawn S. Getchell  
 P.O. Box 53 Coast Miwok  
 Jenner , CA 95450 Pomo  
 (707) 865-2248

Ya-Ka-Ama  
 6215 Eastside Road Pomo  
 Forestville , CA 95436 Coast Miwok  
 (707) 887-1541 Wappo

The Federated Indians of Graton Rancheria  
 Frank Ross  
 440 Apt. N Alameda del Prado Coast Miwok  
 Novato , CA 94949 Southern Pomo  
 miwokone@yahoo.com  
 (415) 269-6075

The Federated Indians of Graton Rancheria  
 Greg Sarris, Chairperson  
 6400 Redwood Drive, Ste 300 Coast Miwok  
 Rohnert Park , CA 94928 Southern Pomo  
 coastmiwok@aol.com  
 707-566-2288  
 707-566-2291 - fax

Kathleen Smith  
 1778 Sunnyvale Avenue Pomo  
 Walnut Creek , CA 94596 Coast Miwok  
 (925) 938-6323

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2007052146 Water Recycling Expansion Program; Sonoma County.

## **LETTER 101 RESPONSE TO COMMENTS**

### **Response to Comment 101-1**

A record search was performed at the Northwest Information Center. The results are summarized in Section 4.10 Cultural and Paleontological Resources of the Draft EIR.

### **Response to Comment 101-2**

The Cultural Resources Study for the Near-Term Improvements is ongoing. As indicated by the Native American Heritage Commission (NAHC) in their comment letter, this need not be completed at the time of the Final EIR. In consultation with the State Water Board and the Federated Indians of Graton Rancheria a pedestrian survey was performed, at which time it was determined a subsurface investigation was warranted in one portion of the project area. The subsurface investigation is pending. Results will be incorporated into the Cultural Resources Study. Mitigation Measure CR-1a, Identify and Avoid or Minimize Impacts to Cultural Resources outlines the next steps to be taken pending the results of the subsurface investigation. Mitigation Measure CR-1b, Identify and Avoid or Minimize Impacts to Cultural Resources outlines the process for addressing cultural resources for the Program-Level Improvements.

### **Response to Comment 101-3**

The City appreciates the NAHC providing the results of the Sacred Lands File check. Also refer to Response to Comment 101-4.

### **Response to Comment 101-4**

The City is currently working with Nick Tipon of the Federated Indians of Graton Rancheria's Sacred Sites Protection Committee on a portion of the project that may impact cultural resources. The Federated Indians of Graton Rancheria are a federally-recognized tribe that represents both Southern Pomo and Coast Miwok-speaking peoples; the project area lies near the traditional boundary between the two groups. No other federally recognized tribe claims consultation rights in this part of Sonoma County.

### **Response to Comment 101-5**

Mitigation Measures CR-1a, Identify and Avoid or Minimize Impacts to Cultural Resources (applicable to the Near-Term Improvements only) and CR-1b, Identify and Avoid or Minimize Impacts to Cultural Resources (applicable to the Program-Level Improvements only) contain provisions to identify, avoid and/or minimize impacts to cultural resources. Potential impacts to accidentally discovered resources will be evaluated and, if necessary, a Treatment Plan developed, in consultation with the State Historic Preservation Officer.

As is standard City practice, the requirements of Public Resources Code §5097.98, Health and Safety Code §7050.5, and the Native American Graves Protection and Repatriation Act, where applicable, shall govern the general notification and evaluation process should human remains be encountered. If human remains are encountered during construction activity, work in the area of the discovery shall be redirected to protect the remains, and the County Coroner shall be notified immediately. At that time, an archaeologist shall be contacted to assess the situation. Project personnel shall not collect or move any human remains or associated materials. If the human remains are of Native American origin, the Coroner must notify the NAHC within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the

remains and associated grave goods. Upon completion of the archaeological assessment, the archaeologist shall prepare a report documenting the methods and results of his or her assessment, and provide recommendations regarding the treatment of the human remains and any associated cultural materials.

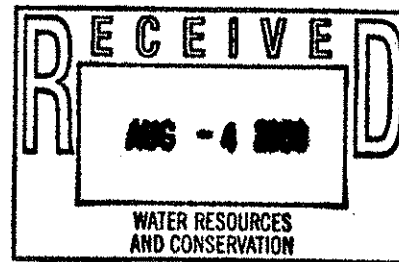




State of California - The Resources Agency  
DEPARTMENT OF FISH AND GAME  
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor

POST OFFICE BOX 47  
YOUNTVILLE, CALIFORNIA 94599  
(707) 944-5500



August 1, 2008

Ms. Margaret Orr  
City of Petaluma  
202 North McDowell Boulevard  
Petaluma, CA 94954

Dear Ms. Orr:

Subject: Water Recycling Expansion Program, SCH #2007052146, City of Petaluma,  
Sonoma County

The Department of Fish and Game (DFG) has reviewed the documents provided for the subject project, and we have the following comments.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to the California Environmental Quality Act (CEQA). DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/index.html>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

102-1

If you have any questions, please contact Mr. Dan Wilson, Environmental Scientist, at (707) 944-5534; or Mr. Richard Fitzgerald, Coastal Habitat Conservation Supervisor, at (707) 944-5568.

Sincerely,

Charles Armor  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse



## **LETTER 102 RESPONSE TO COMMENTS**

### **Response to Comment 102-1**

The Near-Term Improvements would not require a Lake and Streambed Alteration Agreement (LSAA). It is possible the Program-Level Improvements would require a LSAA. The Program-Level Improvements would be subject to additional project-level environmental review. At that time, impacts to areas subject to the Department of Fish & Game jurisdiction would be identified. If an LSAA ever becomes necessary as part of the Project, the City would submit an application to the Department of Fish & Game.



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Financial Assistance

1001 I Street • Sacramento, California 95814 • (916) 341-5700 FAX (916) 341-5707  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
Internet Address: <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

**AUG 7 2008**

Ms. Margaret Orr  
City of Petaluma  
202 North McDowell Boulevard  
Petaluma CA, 94954

Dear Ms. Orr:

DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), FOR CITY OF PETALUMA (CITY); WATER RECYCLING EXPANSION PROGRAM (PROJECT); SONOMA COUNTY; STATE CLEARINGHOUSE (SCH NO. 2007052146).

We understand that the City is pursuing State Revolving Fund (SRF) financing for this Project. As a funding agency and a State agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information for the environmental document prepared for the Project. 103-1

Following the public review period, please send us a copy of: (1) a resolution certifying the EIR, adopting the Mitigation Monitoring and Reporting Plan, and making California Environmental Quality Act (CEQA) findings, including any Statement of Overriding Considerations for significant, adverse impacts that can not be fully mitigated or avoided, (2) all comments received during the review period and the City's responses to those comments, (3) the adopted Mitigation Monitoring and Reporting Plan, and (4) the Notice of Determination filed with the Governor's Office of Planning and Research for the Project. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board. 103-2

The SRF Program is partially funded by the U.S. Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of an SRF funding commitment for the proposed Project. Please contact Michelle L. Jones at (916) 341-6983 for further information.

It is important to note that prior to an SRF funding commitment, projects are subject to provisions of the Federal Endangered Species Act and must obtain Section 7 clearance from the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) for any potential effects to special status species. Please be advised that the State Water Board will consult with USFWS and/or NMFS regarding all federal special status species the Project has the potential to impact if the Project is to be funded under the SRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities or indirect effects, such as growth inducement, that may affect federally listed threatened or endangered species that are known, or have a potential, to occur on-site, in the surrounding areas, or in the service area. Identify applicable conservation measures to reduce such effects. 103-3

Ms. Margaret Orr

- 2 -

AUG 7 2008

In addition, SRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. Please contact the State Water Board's Cultural Resources Officer, Ms. Cookie Hirn, at (916) 341-5690 to find out more about the requirements and to initiate the Section 106 process pursuant to SRF financing. Note that the City will need to identify the Area of Potential Effects (including construction and staging areas and the depth of any excavation).

103-4

Other federal requirements pertinent to the Project under the SRF Program include the following:

- |      |  |       |
|------|--|-------|
| I.   | Compliance with the federal Clean Air Act: (a) provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan: (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections. | 103-5 |
| II.  | Compliance with the Coastal Zone Management Act: identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.  | 103-6 |
| III. | Compliance with the Flood Plain Management Act: identify whether the Project is within the 100-year flood zone and whether new structures created would impede flood flows. Include a flood map.   | 103-7 |
| IV.  | Compliance with the Migratory Treaty Bird Act: list any birds that are protected under this Act that may be impacted by the Project and identify conservation measures to minimize such impacts.   | 103-8 |
| V.   | Compliance with the Wild and Scenic Rivers Act: identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.  | 103-9 |

Following are my specific comments on the DEIR:

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|----|--|--------|
| 1. | Page 3-10 states, "The City shall prepare a site-specific SWPPP, as applicable, for each construction area. The Plan shall include but is not limited to the following elements....General site and good housekeeping best management practices, Erosion and sediment control best management practices." Please include the SWPPP for each construction area as an attachment to the EIR, and identify the Best Management Practices (BMP's) that will be utilized. | 103-10 |
| 2. | Page 3-14 states, "The City shall implement standard geotechnical practices to substantially lessen or avoid potential impacts from expansive soils. Measures could include the following standard methods..." In the Final EIR please identify the standard geotechnical practices that will be implemented into the project to lessen or avoid potential impacts from expansive soils.   | 103-11 |



Ms. Margaret Orr

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3. Page 3-15 states, "The City shall design pipelines that traverse highly corrosive soils with non-corrodible materials or shall implement other effective corrosion avoidance and/or protection methods." In the Final EIR include the exact methods that will be used during construction in corrosive soils. 103-12
4. Page 3-17 states, "The City shall develop and implement a Construction Management Program (Program), which may include the following measures." In the Final EIR state which specific measures will be implemented by the City for the Construction Management Program. 103-13
5. Page 3-43 mitigation measure Bio-1a states, "The Project may need to avoid construction activities in California tiger salamander terrestrial habitat within 500 meters (1640 feet) of a known breeding pond...compensation for impacts to California tiger salamander habitat may need to include programs that address the various life stages." Mitigation measures should include specific, feasible actions that will improve adverse environmental conditions, be measurable to allow monitoring, and must be enforceable. Mitigation measures Bio-1a, Bio-1b, Bio-2a, Bio-2b, Bio-3, Bio-4b, and Bio-5 do not include specific feasible actions that will improve adverse environmental conditions. Instead the EIR lists measures that *may* be implemented into the Project. In the Final EIR, please include the exact mitigation measures that *shall* be implemented into the Project. For more information on mitigation measures please refer to CEQA Guidelines Section 15370 Article 20, and Section 15005, Article 1. 103-14
6. On page 4.1-8 LU-2 analysis states, "With implementation of Measure PD-1, incompatibility of land use types relative to the Ghilotti quarry or other nearby agriculture use is found to be less than significant." Yet Measure PD-1 on page 3-7 states, "The City of Petaluma shall attempt to achieve compatability with the City's and County's General Plan zoning code, and other regulations, to the extent feasible." Measure PD-1 gives no specific information on what is to be done with the WREP to bring it into compatability with "nearby agriculture use". Please include information on what is to be done with the WREP to bring it into compability with current land usage. 103-15
7. Page 4.2-12 AG-4 states, "The tertiary and secondary recycled water that will be produced by the Ellis Creek WRF (water recycling facility) is *anticipated* to meet FAO Irrigation Water Guidelines established by the United Nations and Title 22." Please clarify whether or not the City shall meet FAO Irrigation Water Guidelines. 103-16
8. Page 4.2-12 mitigation measure AG-1 states "Purchase Locally Grown or Inspected Plants" in regard to reducing the risk of increasing glassy-winged sharpshooter populations and causing damage to adjacent vineyards. In analysis AG-5 on page 4.2-12 it states "The proposed site is grazing land and would require site revegetation with grass seeds to restore the area to preconstruction appearance." The analysis and mitigation measure AG-1 do not clarify if Measure PD-2 Revegetate Temporarily Disturbed Sites will apply to this disturbed area. Please clarify if mitigation measure AG-1 operates in coordination with PD-2, or if mitigation measure AG-1 pertains to impact AG-5 specifically, and overrides the PD-2 measure adopted and implemented by the City. 103-17



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9. Page 4.4-19 states, "Program-level pipelines may be constructed under the Petaluma River and under small streams in the project area....The trenchless construction process may use a mixture of benonite...Project Description Measure PD-17, Frac-out and Undercrossing Contingency Plan, would be developed as part of the project." In the Final EIR, please include specifics as to whether or not the program-level pipelines will be constructed under the Petaluma River, if construction will be utilizing a mixture of benonite, and include the Frac-Out and Undercrossing Contingency Plans. 103-18

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10. Page 4.2-23 states, "As a result of the project, groundwater levels may rise in areas where pumping from wells for agriculture or urban irrigation is reduced or eliminated because recycled water has been substituted for groundwater. However, the probability is low that impacts would result in mounding, rather, groundwater levels may return to previous levels." Explain how groundwater mounding will not occur. 103-19

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11. Page 4.4-25 states, "Local wells would be protected during construction and irrigation activities by meeting protection measures detailed in the project description measures." State which project description measures will protect local wells and irrigation activities. 103-20

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12. On page 4.5-13 for impact AQ-1, there is no mitigation to lessen the significance. Project Description Measure PD-20 is used to lessen the significance. Page 4.5-13 states, "If uncontrolled PM<sub>10</sub> levels downwind of actively disturbed areas could possibly exceed State standards. The dust control measures listed in Project Measure PD-20, Air Quality Protection, would control dust generated by demolition, grading and construction activities." Page 3-34 Project Measure PD-20 states, "The City shall implement air quality protection measures recommended by the BAAQMD to reduce diesel particulate matter and PM<sub>2.5</sub>." PD-20 makes no mention of PM<sub>10</sub>. Please clarify the measures in place to reduce PM<sub>10</sub> particles. 103-21

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13. Page 4.5-17 for impact AQ-C1-C5 it states, "With construction period mitigation measures, the project is not anticipated to have a significant air quality impact." Yet under mitigation for impact AQ-C1-C5 there is no mitigation listed. Please include the "construction period mitigation measures" that would reduce the impact to less than significant. 103-22

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14. Page 4.5-18 states, "Mitigation Measures assigned to Impact 3.10-6 in the General Plan 2025 EIR shall apply to the Project to the extent they are applicable and feasible." The document then does a brief overview of the mitigation measures without fully explaining them. Please include the exact mitigation measures from the 2025 General Plan EIR that pertains to the proposed project. 103-23

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15. Page 4.5-18 states, "For reasons described at length in the General Plan 2025 EIR, mitigation is considered insufficient to reduce the project's cumulative impacts to less than significant levels, and, therefore, the impact remains significant and unavoidable." Include all information pertaining to why the cumulative impacts will be significant and unavoidable in the Final EIR, along with a Statement of Overriding Considerations. 103-24

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16. Page 4.6-14 mitigation measure states, "Implementation of noise control measures will ensure consideration of location and design of the pump station to reduce noise impact to sensitive receptors. Noise levels would be expected to be at least 10 to 15 dBA lower with implementation of this measure." Please include the specific measures the noise control mitigation proposes to implement to reduce noise levels.

103-25

17. Page 4.8-13 states, "Potential suitable habitat may exist in the riverine system in the project region," for California freshwater shrimp. Clarify if studies will be conducted to determine the presence, or absence of the California freshwater shrimp in the Project area.

Thank you once again for the opportunity to review the City's environmental document. If you have any questions or concerns, please feel free to contact Parker Thaler at (916) 341-7388 or by email at [PThaler@waterboards.ca.gov](mailto:PThaler@waterboards.ca.gov) or Michelle Jones at (916) 341-6983.

103-26

Sincerely,



Michelle L. Jones  
Environmental Scientist

cc: State Clearinghouse  
(Re: SCH# 2007052146)  
P. O. Box 3044  
Sacramento, CA 95812-3044



## **LETTER 103 RESPONSE TO COMMENTS**

### **Response to Comment 103-1**

This is not a comment on the adequacy of the Draft EIR. As clarification, the City is currently pursuing State Revolving Fund financing only for the Near-Term Improvements, not the Program-Level Improvements, portion of the WREP Project. The Program-Level Improvements have not yet been sited or designed. As phases of the Program-Level Improvements are implemented over the next 18 years, these phases would be subject to subsequent project-level CEQA review. Furthermore, it is not known at this time if the Program-Level Improvements would be financed through the State Revolving Fund.

### **Response to Comment 103-2**

The City will provide the State Water Resources Control Board with a copy of the Final EIR and associated CEQA documentation after certification of the EIR and project approval, as requested.

### **Response to Comment 103-3**

The City is aware of the CEQA-plus needs of the SRF Program and has prepared the WREP EIR in compliance with those requirements. The City is currently working with the State Water Board to complete its funding application for the Near-Term Improvements. The City will continue to work with the Board to comply with all regulations and supply all required documentation to complete the application process. Potential impacts on endangered species from construction of the Near-Term Improvements are identified in Section 4.8 Biological Resources, on pages 4.8-31 and 4.8-32, of the Draft EIR. No special status individuals have been identified in the project area, but habitat may be present along portions of the pipeline routes for California red-legged frog (federally endangered). Growth-inducing impacts of the project are discussed in Chapter 6 CEQA-Required Sections.

### **Response to Comment 103-4**

The cultural resources evaluation presented in the Draft EIR identified an Area of Potential Effect including construction and staging areas as required by federal cultural resource studies. The City is currently working with Ms. Cookie Hirn on potential impacts to cultural resources from the Near-Term Improvements. The City has met with Ms. Hirn and, as part of the Section 106 consultation process, a plan for identification and protection of potential cultural resources has been defined.

### **Response to Comment 103-5**

This is not a comment on the adequacy of the Draft EIR. For information purposes, federal non-attainment status of the project area is discussed on pages 4.5-6 and 4.5-7 of the Draft EIR. Emissions would occur from two sources: construction and operation. Construction equipment emits carbon monoxide and ozone precursors. However, these emissions are included in the emission inventory that is the basis for regional air quality plans, and are not expected to impede attainment or maintenance of ozone and carbon monoxide standards in the Bay Area (BAAQMD CEQA Guidelines, 1999). Operation of the Near-Term improvements is estimated to generate 1 truck trip per week. This is considered minor and would not exceed the federal de minimis levels.

### **Response to Comment 103-6**

The Project is not within a coastal zone and therefore does not need to comply with the requirements of California Coastal Commission.



### **Response to Comment 103-7**

The Near-Term Improvements are not within the 100-year flood zone according to FEMA Flood Insurance Rate Maps # 0603750890B, # 0603790002C, and # 0603750980B. Please refer to pages 4.4-20 and -21 in the Draft EIR for an evaluation of potential flood impacts for the Program-level Improvements. It is not necessary to provide a map of the 100-year flood zone to prepare an adequate assessment of flood impacts.

### **Response to Comment 103-8**

This is not a comment on the adequacy of the Draft EIR. The CEQA document does, however, address project impacts to migratory birds. Under Mitigation Measure BIO-4a, Native Wildlife Nursery Protection Program, pre-construction surveys for migratory bird nests would be required. Surveys would be done approximately two weeks prior to the start of construction. If nests are found, protection measures are outlined in Mitigation Measure BIO-4a.

### **Response to Comment 103-9**

This is not a comment on the adequacy of the Draft EIR. For information purposes, there are no designated Wild and Scenic Rivers within the Petaluma area. The Project would not impact a Wild and Scenic River.

### **Response to Comment 103-10**

A SWPPP need not be included with the EIR, because Project Measure PD-3, Storm Water Pollution Prevention and Mitigation Plans, describes in detail the types of measures that must be included in the SWPPP, and because the effectiveness of the water quality degradation prevention measures can be adequately ascertained without preparation of the SWPPP at this time. The City will prepare a SWPPP for the Near-Term Improvements as part of the design phase of the project. In accordance with state law, a Notice of Intent will be submitted to the Water Resources Control Board 30 days prior to the start of construction per State requirements. The Best Management Practices used will be site specific and identified in the SWPPP. As future phases of the project are implemented under the Program-Level Improvements, a SWPPP will be prepared for each construction site that is required to comply with the State Water Boards regulations regarding such plans.

### **Response to Comment 103-11**

A geotechnical study and report was prepared for the Near-Term Improvements to address site-specific soil conditions. All recommendations of the report were included in the design of the pipelines and reservoir, including geotechnical borings, pipeline and reservoir excavation of native soil and backfill with engineered fill material, trench requirements, and reservoir grading requirements. In addition, the trench and backfill were designed per recommendations in the geotechnical report to address site-specific soil conditions.

Pipelines for the Program-Level Improvements have not yet been sited. Per Project Measure PD-6, Standard Engineering Methods for Expansive Soils, as new phases of the project are identified to move forward, additional project-level CEQA documentation and supporting geotechnical investigation will be completed.

### **Response to Comment 103-12**

A geotechnical study was prepared for the Near-Term Improvements. All recommendations of the report were included in the design of the pipelines, including appropriate protective coatings. Polybagging of pipe and jumpering the pipeline for cathodic protection was recommended by the cathodic protection engineer per analysis of the soil characteristics and groundwater levels from the geotechnical work. Cathodic protection drawings and specifications have been prepared for the project and included in the contract documents.

Pipelines for the Program-Level Improvements have not yet been sited. As new phases of the project are identified to move forward, additional project-level CEQA documentation will be completed as well as additional geotechnical investigations, as outlined in Project Measure PD-7, Standard Engineering Methods for Corrosive Soil, in Chapter 3 Mitigation Monitoring Program of the Draft EIR.

### **Response to Comment 103-13**

Each phase of the project will have its own Construction Management Program pertinent to the conditions of that phase. The Construction Management Program will be developed by the Project Engineer during design and incorporated into the construction documents, as outlined in Project Measure PD-9, Construction Management Program, in Chapter 3 Mitigation Monitoring Program of the Draft EIR.

### **Response to Comment 103-14**

No impacts to California tiger salamander habitat have been identified due to implementation of the Near-Term Improvements. Potential impacts on endangered species from construction of the Near-Term Improvements are identified in Section 4.8 Biological Resources, on pages 4.8-31 and 4.8-32, of the Draft EIR. Mitigation Measures BIO-1a, BIO-1b, and BIO-4a will be included in the Mitigation Monitoring Program of the Near-Term Improvements at project approval.

The Program-Level Improvements have not yet been sited or designed. Consequently, these improvements are reviewed in the Draft EIR at a program level of review, with site-specific impacts unknown at this time. The mitigation measures assume a worst-case scenario and present many options that may or may not need to be implemented for future phases. As future phases of the Project are sited and designed subsequent project-level CEQA review will be performed. At that time potential impacts, specific to that phase of the project, will be identified and appropriate mitigation from the Mitigation Monitoring Program applied. At project approval for each phase, a project-specific mitigation monitoring program will be adopted. CEQA Guidelines section 15152 which discuss tiering, allows that "the level of detail contained in a first tier EIR (i.e., the programmatic portion of the WREP EIR) need not be greater than that of the program being analyzed.

### **Response to Comment 103-15**

The WREP is not currently incompatible with nearby uses. The Program-Level Improvements have not yet been sited. It is possible that future phases may be sited near uses that are considered incompatible. As future phases of the project move forward, additional project-level CEQA documentation will occur that would include an evaluation of potential incompatible land uses.

### **Response to Comment 103-16**

The City can not test the water until the Ellis Creek WRF is operational. The Ellis Creek WRF has been designed to produce recycled water of the quality to support various uses allowed by California Code of

Regulations Title 22 for secondary and tertiary recycled water, including irrigation of food and pasture crops; irrigation of landscaping, parks, and schools; industrial and commercial uses such as concrete mixing, car washes, and cooling towers; and indoor uses such as fire sprinkler systems and toilet flushing in commercial or institutional buildings.

#### **Response to Comment 103-17**

Impact AG-5 on page 4.2-12 of the Draft EIR states that the application of native grass seeds to disturbed areas would not introduce glassy-winged sharpshooter. Mitigation Measure AG-1 applies to plants, not seed stock, and would work in conjunction with any plants that were required to be purchased and installed under Project Measure PD-2.

#### **Response to Comment 103-18**

The Program-Level Improvements have not been sited or designed. There is the potential that a future phase will include a pipeline crossing of the Petaluma River. At that time subsequent CEQA documentation will be developed. If determined necessary in the CEQA documentation, the Frac-Out and Undercrossing Contingency Plan will be incorporated into the construction documents, as outlined in Project Measure PD-17, Frac-Out and Undercrossing Contingency Plan, in Chapter 3 of the Mitigation Monitoring Program of the Draft EIR.

#### **Response to Comment 103-19**

Eliminating pumping from private wells will result in a small decrease in the draw on groundwater, allowing traditional groundwater levels to recharge but not creating a situation where groundwater will exceed the historic groundwater table. Mounding will not occur above the historic groundwater table, because the elimination of pumping does not increase pressure on or limit movement of the groundwater.

#### **Response to Comment 103-20**

Under Project Measure PD-14, Adjust Facility Design to Avoid Wells and Septic Systems, the City would site facilities to avoid impacts to public or private wells or septic systems as part of the Project.

#### **Response to Comment 103-21**

The measures listed in Project Measure PD-20, Air Quality Protection, lessen the significance of PM<sub>10</sub>. The reference to “diesel particulate matter” includes PM<sub>10</sub>, which stands for particulate matter less than 10 microns in diameter.

#### **Response to Comment 103-22**

Based on the comment, the following clarification is made to the first paragraph on page 4.5-17 of the Draft EIR:

With construction period ~~mitigation~~ project measures, the project is not anticipated to have a significant air quality impact.

#### **Response to Comment 103-23**

The following are those General Plan 2025 Policies and Programs that are applicable to the WREP and Impact AQ-6:

2-P-119 Incorporate green building principles and practices into the planning, design, construction, management, renovation, operations and demolition of all facilities that are constructed, owned, managed or financed by the City.

4-P-16 To reduce combustion emissions during construction and demolition phases, the contractor of future individual projects shall encourage the inclusion in construction contracts the following requirements or measures shown to be equally effective:

- Maintain construction equipment engines in good condition and in proper tune per manufacturer's specification for the duration of construction;
- Minimize idling time of construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment;
- Use alternative fuel construction equipment (i.e, compressed natural gas, liquid petroleum gas, and unleaded gasoline);
- Use add-on control devices such as diesel oxidation catalysts or particulate filters;
- Use diesel equipment that meets the ARB's 2000 or newer certification standard for off-road heavy-duty diesel engines;
- Phase construction of the project;
- Limit the hours of operation of heavy duty equipment.

4-P-18 Develop and adopt local energy standards that would result in less energy consumption than standards set by the California Energy Commission's (CEC) Title 24 or updates thereto.

A. Identify and implement energy conservation measures that are appropriate for public buildings and facilities, such as:

- Periodically evaluate the efficiency of potable and sewer pumping facilities and identify measures to improve pumping efficiency.
- Encourage the County of Sonoma to upgrade existing, inefficient facilities which serve Petaluma (e.g. potable water pumping facilities).

B. Identify energy conservation measures appropriate for retrofitting existing structures. Work with local energy utility to encourage incentive program for retrofitting. Consider the use of alternative transportation fuels among City-owned vehicles and the Petaluma Transit system to reduce dependence on petroleum-based fuels and improve local air quality. Continue to replace traditional fuel vehicles in the City's fleet with alternative fuel vehicles and/or zero/low emission vehicles, as appropriate. When selecting alternative fuel vehicles consider the "full cycle" of emissions for the different fuel types.

4-P-19 Encourage use and development of renewable or nontraditional sources of energy.

4-P-24 Comply with AB 32 and its governing regulations to the full extent of the City's jurisdictional authority.

4-P-25 To the full extent of the City's jurisdictional authority, implement any additional adopted State legislative or regulatory standards, policies and practices designed to reduce greenhouse gas emissions, as those measures are developed.

4-P-26 Implement all measures identified in the municipal Climate Action Plan to meet the municipal target set in Resolution 2005-118 (20% below 2000 levels by 2010).

8-P-5 Develop alternative sources of water to supplement imported supply.

A. Expand the use of recycled water to offset potable water demand.

8-P-9 Provide tertiary recycled water for irrigation of parks, playfields, schools, golf courses and other landscape areas to reduce potable water demand.

8-P-13 Work to convert existing potable water customers identified under the City's Recycled Water Master Plan to tertiary recycled water as infrastructure and recycled water supply become available.

8-P-18 Reduce potable water demand through conservation measures.

8-P-32 Areas within the Petaluma watershed, outside of the City of Petaluma, which are subject to periodic surface water inundation and containment, should not be modified in any manner to reduce the historic storage characteristics and capacity.

The following revision is made to the first paragraph on page 4.5-16 of the Draft EIR:

Given General Plan 2025 Policy 4-P-~~1318~~ which requires the City to periodically evaluate pumping facilities to identify measures to improve efficiency, the potential exists for the 2025 energy estimates to be lower.

The following revision is made to the second paragraph on page 4.5-18 of the Draft EIR:

Mitigation: The Mitigation Measures assigned to Impact 3.10-6 in the General Plan 2025 EIR shall apply to the Project to the extent they are applicable and feasible. These measures include, but are not limited to, 4-P-~~1318A~~ Periodically evaluate the efficiency of potable and sewer pumping facilities and identify measures to improve pumping facilities, 4-P-~~1318B~~ Investigate and implement alternative sources of renewable power to supply City facilities, and 4-P-~~1419~~ Encourage use and development of renewable or nontraditional sources of energy. For reasons described at length in the General Plan 2025 EIR, mitigation is considered insufficient to reduce the project's cumulative impacts to less-than-significant levels, and, therefore, the impact remains significant and unavoidable.

### Response to Comment 103-24

As stated in the Draft EIR, there are no new or more significant impacts relating to cumulative greenhouse gas emissions or climate change arising from the project other than those analyzed in the General Plan EIR. The City considers that the General Plan EIR functions as a master EIR as to climate change analysis, with this EIR tiered from it, for specific analysis of siting and construction related impacts of specific improvements to the City's recycled water system. The discussion in the Revised Draft General Plan EIR, Volume 5.A, Appendix G.1, Greenhouse Gas Emissions, and in the General Plan Final EIR, Volume 6.A, Technical Appendix G.2, Responses to Comments at Master Comment C, pages 37-39 is hereby incorporated by reference. The General Plan and its EIR are available online at the City's website, with the Revised DEIR Greenhouse Gas Emissions Section found at <http://cityofpetaluma.net/cdd/pdf/revised-deir-ghg.pdf>. Copies of the General Plan and its EIR are also available for inspection at City Hall, 11 English St., Petaluma and the Petaluma Regional Library, 100 Fairgrounds Drive, Petaluma. CEQA does not require local agencies to engage in repeated re-analysis of impacts already studied in prior environmental documents, absent significant new information, which does not exist for this project. See, generally, CEQA Guidelines sections 15162, 15175-15179.5 and/or 15183 and Public Resources Code section 21083.3. Any necessary Statement of Overriding Considerations will be prepared and adopted at the time of project approval and is not required to be a part of the EIR.

### **Response to Comment 103-25**

The pump station is part of a future phase of the Program-Level Improvements which have not been sited or designed. As phases of the Program-Level Improvements are implemented over the next 18 years, these phases would be subject to subsequent project-level CEQA review. Under Mitigation Measure NOI-1, Pump Station Noise Control, the City would consult with a qualified Noise Control Engineer to determine the measures that should be implemented that would be specific to the conditions of the site and the surrounding uses.

### **Response to Comment 103-26**

As noted on page 4.8-31 and 4.8-32 of the Draft EIR, impacts to California freshwater shrimp from the Near-Term Improvements are considered less than significant. The Ielmorini portion of the pipeline would run parallel and adjacent to Washington Creek which could have suitable California freshwater shrimp habitat. Measure PD-21, Riparian and Sensitive Habitat Protection, would require that riparian areas within 50 feet of the construction site, including the riparian area along Washington Creek, be protected by silt fencing to prevent construction activities from entering the riparian area, thus preventing impacts to special status wildlife and wildlife habitat. Impacts from Program-Level Improvements are not known at this time as these improvements have not yet been sited or designed. Subsequent project-level CEQA review would occur as future phases move forward, at which time potential impacts to California freshwater shrimp would be identified.

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

August 20, 2008

SON116519  
SON-116-37.5/37.64  
SCH# 2007052146

Ms. Margaret Orr  
City of Petaluma  
202 North McDowell Boulevard  
Petaluma, CA 94954

Dear Ms. Orr:

**Water Recycling Expansion Project – Draft Environmental Impact Report (DEIR)**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the project referenced above. Our comments below are based on the review of the DEIR. As lead agency, the City of Petaluma is responsible for all mitigation of project impacts, including impacts to State highway facilities. An encroachment permit is required for work within State right-of-way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of our concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

The project involves pipeline construction within State ROW at State Route 116 and/or US 101. Please specify the location(s) and provide a detailed description of the type of work proposed within State ROW for review by our Design and Construction units.

All utilities work in State ROW shall adhere to the Department's Project Development Procedures Manual, Chapter 17 – Encroachments in Caltrans' Right of Way, available on the internet at: [http://www.dot.ca.gov/hq/oppd/pdpm/chap\\_pdf/chapt17.pdf](http://www.dot.ca.gov/hq/oppd/pdpm/chap_pdf/chapt17.pdf). Also, the project shall follow the Department's Water Pollution Control guidelines and requirements, available on the internet at: <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>.

104-1

***Geotechnical Analysis***

For work in State ROW, a geotechnical investigation is required to identify hazards due to settlement of soils.

104-2

***Cultural Resources***

We are in agreement with the findings and mitigation measures in Cultural Resources Section 4.10 of the DEIR. For ground-disturbing activities taking place within State ROW, these

Margaret Orr/ City of Petaluma  
August 20, 2008  
Page 2

mitigation measures shall incorporate State land. If there is an inadvertent archaeological or burial discovery, the Department's Office of Cultural Resource Studies, District 4, Oakland, shall be contacted immediately at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after being contacted. Any subsequent archaeology reports or treatment plans for work in State ROW must be reviewed and approved by the Office of Cultural Resource Studies.

104-3

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***Encroachment Permit***

Please note that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address listed below. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Julie Hsu  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Should you require further information or have any questions regarding this letter, please call or email Ina Gerhard of my staff at (510) 286-5737 or [ina\\_gerhard@dot.ca.gov](mailto:ina_gerhard@dot.ca.gov).

104-4

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Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse



## **LETTER 104 RESPONSE TO COMMENTS**

### **Response to Comment 104-1**

This is not a comment on the adequacy of the Draft EIR. For clarification purposes, the Near-Term Improvements include a pipeline that would cross State Route 116. The City is currently working with the Caltrans Office of Permits on the encroachment permit for this crossing. No other component of the Near-Term Improvements would be within Caltrans right-of-way. Future phases of the project have not been sited yet, but may occur within Caltrans right-of-way. If that were to occur the City would work with the Office of Permits on obtaining the appropriate permits.

### **Response to Comment 104-2**

A geotechnical investigation was performed for the Near-Term Improvements. All recommendations were incorporated into the design, which included addressing settlement of soils. The Caltrans Office of Permits has reviewed, and provided input on, the construction documents for the pipeline that crosses State Route 116.

### **Response to Comment 104-3**

This is not a comment on the adequacy of the Draft EIR. The City will abide by any conditions placed on the encroachment permit.

### **Response to Comment 104-4**

Refer to Response to Comment 104-1.

Diane Reilly Torres  
1657 Rainier Avenue  
Petaluma ca. 94954

Monday, September 08, 2008 Petaluma City Council Public hearing

Item 7 A. Public Hearing to Receive Comments on and Council Consideration of the Water Recycling Expansion Program Draft Environmental Impact Report and consider a Resolution Authorizing the Director of the Department of Water Resources and Conservation to Prepare the Final Environmental Impact Report (Ban/Orr)

7A-WaterRecyclingExpansionProgram

**COMMENTS IN RED** on the PETALUMA WATER RECYCLING EXPANSION PROGRAM DRAFT EIR <http://cityofpetaluma.net/wrcd/pdf/070708-draft-EIR.pdf>

This EIR tiers from the Petaluma General Plan 2025 EIR and serves as both a project-level EIR and a Program EIR for the Water Recycling Expansion Program (WREP). The EIR for the Petaluma General Plan 2025 was certified on April 7, 2008 by City Council Resolution 2008-058.

200-1

## BIOLOGICAL RESOURCES

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### 8. Biological Resources

Impact	Near-Term Pre-mitigation Significance	Program Level Pre-mitigation Significance	Mitigation Measure	Post-mitigation Significance
BIO-1. Will the WREP result in the loss of any species identified as a threatened, endangered, candidate, sensitive or special-status species or its habitat?	Significant	Significant	BIO-1a Avoid the Loss of Candidate, Sensitive, or Special Status Species and their Habitats BIO-1b Rare, Threatened and Endangered Plant Protection Program BIO-4a Native Wildlife Nursery Protection Program	Less than Significant

BIO-4. Will the WREP interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?	Significant	Significant	BIO-4a Native Wildlife Nursery Protection Program BIO-4b Avoid Blocking Major Wildlife Migration or Travel Corridors	Less than Significant
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BIO-1a Avoid the Loss of Candidate, Sensitive, or Special Status Species and their Habitats

BIO-1b Rare, Threatened and Endangered Plant Protection Program

BIO-4a Native Wildlife Nursery Protection Program

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200-1  
cont.

BIO-4a Native Wildlife Nursery Protection Program

What is the cost of this program and who is paying for it?

A qualified biologist shall conduct pre-construction surveys of the project area at least two weeks prior to initiation of construction activities to determine if any active raptor or migratory bird nests occur within proposed construction corridor. A minimum 50-foot fence barrier shall be erected around the nest site of passerine (songbirds), 200-foot for raptor nests, and 500 feet for rookeries and maintained until the young have fledged and have left the nesting site.

During construction, a qualified biologist shall monitor each nest to evaluate potential nesting disturbances caused by the construction activities. The monitor shall have the authority to stop construction if it appears to be having a negative impact on the nesting birds. The monitor shall also monitor the nest to determine when the young have fledged. In addition, a qualified biologist shall survey pastoral and annual grasslands for dens of native mammals including American badger. If active dens are identified consultation shall be initiated with CDFG and their recommendation implemented.

Implementing Agency: City of Petaluma

Timing: Start: Design measures – During component design.

Construction measures – At the start of construction.

Complete: Construction measures – at completion of construction.

Monitoring Agency: City of Petaluma, Construction Manager

200-1  
cont.

Validation: Birds monitored and protected during construction.

Page 4.8-2

#### Pipelines

The 28 miles of proposed pipelines would predominantly be placed within existing roadbeds mostly in the urban areas; however some may be placed in dirt or gravel roads, and possibly over open terrain. Are road improvements going to be done concurrent with the project?

200-2

#### 4.8-17- 4.8-18 California Clapper Rail

The California clapper rail (*Rallus longirostris obsoletus*) is a federal and state listed endangered species. This species is included in the USFWS Salt Marsh Harvest Mouse and California Clapper Rail Recovery Plan Please provide this plan in the FEIR which will eventually be replaced by the Tidal Marsh Ecosystem Recovery Plan, This Plan has been under development for years, what is the status and expected date of completion, which is under development. No critical habitat has been designated. This rail is a small, secretive water bird that inhabits the coastal salt marshes, brackish marshes and tidal sloughs of northern California. California clapper rails are year-round residents of the upper to lower zones of coastal salt marshes characterized by dense pickleweed and cordgrass (*Spartina foliosa*). The rails forage in the soft mud exposed at low tide along the tidal sloughs and channels in the salt marsh. Foods consumed by the rails include crabs, mussels, clams, snails, insects, spiders, amphipods, polychaete worms, small rodents, and fish. Nests are constructed with local plant materials near the tidal sloughs under the protective cover of the pickleweed and cordgrass. Five to ten eggs are laid, on average; during the nesting period and incubation duties are shared by both parents. The young hatch in 23 to 29 days (Applegarth 1938, Zucca 1954) and soon leave the nest. Parental care continues until the chicks are approximately eight weeks old (Zemba 1991). Young fledge at ten weeks and are usually displaced from the parental territory shortly thereafter. Juvenile dispersal may occur up to 10 km (6.2 mi) away from the natal area. Clapper rails will readily re-nest if they lose a clutch or brood (Applegarth 1938). Some pairs may successfully nest twice in the same season.

200-3

This subspecies is in danger of extinction due to significant loss, degradation, and fragmentation of suitable habitat. Tidal wetlands within the San Francisco Bay area have been reduced 85 to 95 percent since the mid 1800's, from an original estimated 181,000 acres. One decade after federal listing, the population of California clapper rails was estimated at 1,500 birds, 80 percent of which occurred in the South San Francisco Bay area. However, by the mid-1980s the population was declining dramatically. By the winter of 1991-1992, only an estimated 300 birds remained in South San Francisco Bay. Much of the remaining suitable habitat for clapper rails is highly fragmented and degraded. Invasive, non-native predators including red foxes, Norway rats, and

feral cats and dogs also prey on clapper rails and their eggs. What data, reports, surveys, (dates) is this comment based on or is this the writer's opinion? What data, reports, surveys (dates) have been done at the project location where red foxes, Norway rats, and feral cats and dogs have been seen preying on clapper rails and their eggs? Provide any proof this is a fact and not an opinion of the writer.

200-4

The long-term viability and recovery of the California clapper rail depends largely on the preservation and restoration of sufficiently large tracts of suitable salt marsh habitat. The establishment of the San Francisco Bay National Wildlife Refuge in 1972 and its expansion to 43,000 acres in 1988 provided the largest reserve for clapper rail in the San Francisco Bay area.

Ongoing cooperative acquisition and restoration programs between the USFWS, CDFG, East Bay Regional Park District, Regional Water Quality Control Board, other state and federal agencies, and numerous conservation organizations continue to provide opportunities to increase the amount of land dedicated to clapper rail conservation. In addition, ongoing predator control programs within the national wildlife refuge have effectively reduced predation pressure on this subspecies. What ongoing predator control programs, include locations, dates, and data, have effectively reduced predation pressure on this subspecies?

Historically, the distribution of California clapper rail extended from Humboldt Bay in Humboldt County south to Morro Bay in San Luis Obispo County. This subspecies is now known to occur only in San Francisco and Suisun Bays, with the largest numbers of California clapper rail occurring in the salt marshes of South San Francisco Bay. The nearest CNDDDB occurrence (105) to the project region was for several individuals observed during a focused survey in Mud Hen

Slough six miles southeast of Petaluma in 1973. Presence has also been documented in wetlands bordering the Petaluma River near the Ellis Creek Water Recycling Facility (Evans 2003). The saline emergent wetlands within the project boundary may also provide suitable habitat for this species.

200-5

Page 4.8-31

#### IMPACTS AND MITIGATION MEASURES

*Impact: BIO-1: Will the WREP result in the loss of any species identified as a threatened, endangered, candidate, sensitive or special-status species or its habitat?*

*Analysis: Project-Level Near-Term Conveyance Improvements - Significant*

Page 4.8-32

#### Mitigation:

BIO-1a Avoid the Loss of Candidate, Sensitive, or Special Status Species and their Habitats

## BIO-1b Rare, Threatened and Endangered Plant Protection Program

## BIO-4a Native Wildlife Nursery Protection Program

After Mitigation: Less than Significant

Implementation of the three mitigation measures provides a minimum level of compensation for loss of habitat for listed species as well as measures to avoid the loss of a listed species. The measures also provide vegetation trimming guidelines to protect fish species. Implementation of avoidance measures and detailed compensatory measures for species that actually occur within the project area would result in a less than significant impact to listed species.

Page 4.8-37

Pipelines: The final location of pipelines necessary to distribute recycled water from Ellis Creek WRF to users within the recycled water service area has not been determined, nor has the location of the secondary pipeline from Ellis Creek WRF to the reservoir north of Lakeville Highway. The City could install up to 25 miles of new tertiary water pipelines and up to three miles of new secondary pipelines. Most of these pipelines would be installed along existing roadways, although there could be temporary disturbance adjacent to the roadway. Installation of pipelines is estimated to disturb up to 118 acres; 21 acres of which could occur off-road in undeveloped areas or adjacent to an existing roadway. 200-6

There could be wetlands within the temporarily disturbed areas along the pipeline routes. Temporary impacts to wetlands as a result of pipeline construction are estimated at up to 4.3 acres. The pipeline could intersect jurisdictional watercourses at an estimated 56 locations. Any undercrossing of the Petaluma River would occur via a tunneling technique and would not impact waters in the River. Temporary impacts of jurisdictional watercourses are estimated at 2.6 acres. This is considered a less-than-significant impact.

Pump Station: The new pump station could temporarily impact up to 1 acre of annual grassland and urban areas. Approximately a half acre would be permanently disturbed. The annual grasslands often contain lacustrine environments such as wetlands, and occasionally, vernal pools. Temporary wetlands impacts would be restored through implementation of Measure PD-2, but permanent impacts would remain significant.

No impacts from operation of the reservoir, pipelines, or pump station have been identified.

How could impacts be identified if the location of the pipelines are unknown?

Mitigation: BIO-3 Avoid Fill and Other Impacts to Jurisdictional Waters and Wetlands

After Mitigation: Less than Significant

Implementation of the mitigation measure would provide for compensatory mitigation of permanent impacts, thereby reducing impacts to a less-than-significant level. 200-6

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What is the City of Petaluma's "ongoing predator control program"? Is the city planning on killing feral cats as mitigation for this project? Will the City implement a non-lethal predator control program for this project and the ECWFP? 200-7

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Diane Reilly Torres

**City of Petaluma Water Recycling Facility  
Sonoma County, California  
Corps File #26171N**

**Proposed Biological Assessment**

**Prepared by Parsons and  
Merritt Smith Consulting  
For Carollo Engineers**

**September 1, 2004**

EXCERPT ATTACHED



PETALUMA WATER RECYCLING FACILITY-PROPOSED BIOLOGICAL ASSESSMENT**6. MITIGATION AND MONITORING****MITIGATION****Salt Marsh Harvest Mouse**

Indirect effects to the mouse may occur from work adjacent to habitat along the southernmost levee access road adjacent to Ponds 9 and 10, related to road resurfacing and public access on the trail to the naval building, and outfall repairs adjacent to habitat along the Petaluma River.

During the design phase of the project, pipeline alignment and work area was configured to avoid salt marsh habitat potentially used by sensitive species like the salt marsh harvest mouse, clapper rail and black rail.

Where potential mouse habitat is adjacent to the work area for pipeline excavation and access road use during construction (see Figure 3.1, southwest corner of Pond 10), work fences will be installed a minimum of 10 feet from the potential habitat. During resurfacing, work area fence will be installed at the edge of the existing surface of the trail to the Naval Building. Maintaining this existing screening vegetation reduces the sight lines for non-native predators of native species like the mouse.

Rules shall be established by the City for the public to remain on established trails and not to venture off trail into the marsh. We anticipate that mitigation measures will be fully effective for potential impacts, and the project is not likely to adversely affect salt marsh harvest mouse.

Enhancements to mouse habitat will result from the project through the protection of existing habitat and non-native predator control (see the description for clapper rail below).

**California Clapper Rail**

Indirect effects to the rail may occur from work adjacent to habitat along the southernmost levee access road next to Ponds 9 and 10, from resurfacing of the trail to the Naval Building and public access to the Petaluma River, and work on the outfall.

During the design phase of the project, pipeline alignment and work area was configured to avoid habitat potentially used by sensitive species like the salt marsh harvest mouse, clapper rail and black rail. Additional protections associated with the access trail to the Petaluma River include:

**Pre-Construction**

1. A rail habitat assessment will be conducted during the pre-construction surveys needed for the WRF construction. The results of the assessment and concurrence of USFWS will determine the exact boundary of rail habitat, and the point on the trail where access will be restricted during the breeding season.

PETALUMA WATER RECYCLING FACILITY-PROPOSED BIOLOGICAL ASSESSMENT**Construction**

2. To avoid any potential impacts to the rail, all construction will either occur during the non-breeding season for the rail as prescribed by USFWS, or at a distance greater than 200 feet from potential rail habitat. Work areas that are within the 200-foot boundary where construction must occur during the non-breeding season, potentially include construction of pipelines in the southern berms of Ponds 9 and 10, outfall repairs and resurfacing of the road to the Naval Building. The pre-construction surveys will determine the proximity of rail habitat to work areas. If rail habitat is identified within 200 feet of the construction work areas, construction will be conducted during the non-breeding season to limit potential impacts to this species.

3. Resurfacing of the trail would occur only after the breeding season has ended on August 31 (unless outside of the 200-foot boundary), and would avoid disturbing vegetation along the edges of the road which currently may obstruct the sight line of predators.

4. Vegetation adjacent to the trail would not be cut back except in the event of USFWS support for a native plant restoration program in which native species would replace the invasive species removed. The residents of Petaluma have expressed interest in replacing non-native habitat with native plants.

**Maintenance**

5. Maintenance would occur after breeding season has ended on August 31 (unless outside of the 200-foot boundary).

**Operation**

6. Use of the trail would be prohibited during the first two months of the clapper rail breeding season (1/15 to 3/15). During this time four passive surveys would be conducted to determine if clapper rails are breeding within 200 feet of the trail. If nesting rails are found, the trail, from the area of the nest to the River, would be closed to the general public for the remainder of the breeding season (until August 31). Access on this portion of the trail would however, be permitted for groups led by trained docents. Groups would primarily consist of school groups and birders. Docents would ensure that groups are quiet and stay on the trail. If no nesting clapper rails are found within 200 feet of the trail, it would be open to the general public for the rest of the year.

7. Dogs would be prohibited on the trail at all times of the year.

8. The Wildlife Services division of USDA will be contacted to conduct an assessment of predator control needs in and adjacent to the project area. Recommendations will be incorporated into the ongoing predator control efforts. The recommendations may include: 1) Having WRF staff and docents monitor for feral cats and dogs, red foxes, and other non-native predators on the property; and

PETALUMA WATER RECYCLING FACILITY-PROPOSED BIOLOGICAL ASSESSMENT

for increased numbers of skunks and raccoons. If sighted, Petaluma Animal Services could be called to remove the animals; 2) Having staff and docents monitor the business park and Shollenberger Park to ensure that shelter and food are not being provided to feral cats, and that garbage does not provide a food source; and 3) Placing signage in both locations to alert the public that feeding and sheltering feral cats is prohibited.

9. Signage will be installed in the public parking area and at the trailhead defining the access restrictions (no dogs, seasonal docent-led tours only, etc.) and describing the life cycle and importance of the clapper rail.

10. The area will be monitored by the City to prevent trespass into the marsh and establishment of unauthorized trails. City code prohibits unauthorized access onto public or private lands, and a call to the City Police will elicit an on-site response. Trespassers are subject to arrest, and signage will reflect the City's right to respond to unauthorized access.

11. The gate at the entrance of the visitor's parking lot will be provided. The City has a security service that drives through the parking lot, checks and locks the bathrooms, and closes the gate at 10 pm each evening. The gate is opened and bathrooms unlocked each morning at 6 am.

Noise-generating activities such as the use of generators and other equipment will be minimized and/or baffled as practicable. A vibratory hammer will be used in the event that pilings are removed or replaced during outfall repairs. Access to the site will be restricted to avoid impacts to tidal marsh habitat. Due to the measures described above, the project is not likely to adversely affect California clapper rail.

200-8

## LETTER 200 RESPONSE TO COMMENTS

### Response to Comment 200-1

This is not a comment on the adequacy of the Draft EIR.

### Response to Comment 200-2

As stated in Project Measure PD-11, Standard Traffic Control Procedures, prior to construction, the City would prepare a summary of baseline conditions for roads scheduled to have construction on or adjacent to them. Within one year of completion of construction, roads damaged by construction traffic or pipeline construction shall be restored to their former state as near as may be possible. No other road improvements are proposed as part of the Project.

### Response to Comment 200-3

The United States Fish and Wildlife Service (USFWS) *Salt Marsh Harvest Mouse and California Clapper Rail Recovery Plan* is available at [http://ecos.fws.gov/docs/recovery\\_plan/841116.pdf](http://ecos.fws.gov/docs/recovery_plan/841116.pdf) and at the City of Petaluma Water Resources & Conservation Department. CEQA does not require plans and studies completed by other governmental bodies to be set forth in full in the EIR. Setting information relating to the California clapper rail and salt marsh harvest mouse discussed in the Draft EIR at pages 4.8-17-18 and 4.8-21-22 is consistent with the Recovery Plan. The USFWS *Tidal Marsh Ecosystem Recovery Plan* has not yet been released. Upon completion, a copy of this Plan may be made available on the USFWS website [www.fws.gov](http://www.fws.gov), which may also have contact information to obtain details about the plan's completion status and timeline. As a local agency, the City does not control the timeline for completion of this federal plan.

### Response to Comment 200-4

Salt marsh harvest mouse habitat occurs within the WREP project boundary. The Near-Term Improvements would not impact salt marsh harvest mouse habitat. While it is unlikely that Program-Level Improvements would impact this habitat, it cannot be ruled out entirely as the Program-Level Improvements have not been sited. As future phases of the Program-Level Improvements are implemented over the next 18 years, these phases would be subject to subsequent project-level CEQA review. The salt marsh harvest mouse habitat within the project boundary is consistent with the habitat where predation studies have occurred around the San Francisco Bay Area. Red fox, Norway rat, feral cats and dogs occur in the project site region, therefore, it is probable that similar predation is occurring on birds, fledglings, nestings, and eggs of Clapper rails as well as a significant number of other avian species. The following scientific peer-reviewed articles support the claim of predation in the Draft EIR:

American Bird Conservancy. 2006. Impacts of Feral and Free-Ranging Cats on Bird Species of Conservation Concern. May.

Coleman, J.S., S.A. Temple and S.R. Craven. 1997. Cats and Wildlife: A Conservation Dilemma.

Harding, E.K., D. F. Doak, J. Alberson, and J.E. Takekawa. 1998. Predator management in San Francisco Bay wetlands: past trends and future strategies. Final report. U. S. Fish and Wildlife Service, Division of Ecological Services Sacramento, CA.

Hawkins, C.C. 1998. Impact of a Subsidized Exotic Predator on Native Biota: Effect of House Cats (*Felis catus*) on California Birds and Rodents. PhD. dissertation, Texas A & M University, College Station.

Schwarzbach, Steven E., Joy D. Albertson, Carmen M. Thomas. 2006. Effects of predation, flooding, and contamination on reproductive success of California Clapper Rails (*Rallus longirostris obsoletus*) in San Francisco Bay. *Auk* 123:45-60.

Thelander, Carl G. 1994. *Life on the Edge: A Guide to California's Endangered Natural Resources*.

Woods, Micharl, McDonald, Robbie, and Harris, Stephen. 2003. Predation of Wildlife by Domestic Cats in Great Britain.

### **Response to Comment 200-5**

This is not a comment on the adequacy of the Draft EIR. For reference, below are some citations regarding predator control programs, including the one cited on Page 4.8-18 of the Draft EIR.

Harding, E. K., D. F. Doak, and J. D. Anderson. 2001. Evaluating the effectiveness of predator control: the non-native red fox as a case study. *Conservation Biology* vol. 15 (4) p 1114-1122.

Harding, E.K., D. F. Doak, J. Alberson, and J.E. Takekawa. 1998. Predator management in San Francisco Bay wetlands: past trends and future strategies. Final report. U. S. Fish and Wildlife Service, Division of Ecological Services Sacramento, CA.

Hodges, C.S.N. and R. J. Nagata, Sr. 2001. Effects of predator control on the survival and breeding success of the endangered Hawaiian Dark-rumped Petrel. *Studies in Avian Biology* 22:308-318.

Foerster, K. S., J. E. Takekawa, and J. D. Albertson. 1990. Breeding density, nesting habitat, and predators of the California Clapper Rail. Final Report SFBNWR-116400-90-1, San Francisco Bay National Wildlife Reserve, Newark, California.

Foerster, K. S., and J.E. Takekawa. 1991. San Francisco Bay National Wildlife Refuge predator management plan and final environmental assessment. U. S. Fish and Wildlife Service, Newark, California.

### **Response to Comment 200-6**

As noted on pages 4.8-31 and 4.8-32 the pipelines for the Near-Term Improvements have been sited and the impacts are known. The quote taken from 4.8-37 applies to the Program-Level Improvements, which have not been sited. As shown on Figure 2-2, the boundaries of the recycled water service area encompass all of the City and an area east of the City. There are many wetland features scattered throughout the Project boundary. The analysis in the Draft EIR therefore assumes a worst-case scenario that the 25 miles of pipeline would impact a certain percentage of wetlands per mile of pipe. As most of the pipelines would be constructed beneath roadbeds it is unlikely that the full 118 acres of estimated impacts would occur. With regard to the final quote highlighted in the comment, impacts to wetlands occur from construction of facilities, and rarely from the operation of facilities. No impacts to wetlands are anticipated from the operation of the Program-Level Improvements.

### **Response to Comment 200-7**

The first portion of the comment asks about the City's ongoing predator control program; this is not a comment on the adequacy of the Draft EIR. There is no mitigation measure in the WREP Draft EIR that addresses feral cats nor are there any mitigation measures that would require the City to implement a predator control program. A predator control program was part of the USFWS permitting requirements for the Ellis Creek Water Recycling Facility. Permit conditions for the Ellis Creek Water Recycling Facility do not cover or apply to the WREP Project. The Near-Term Improvements do not require consultation with the USFWS. It is possible that future phases of the Program-Level Improvements may

require consultation with USFWS. As those phases have not been designed or sited it is not possible to determine with any certainty what site-specific habitats or species may be impacted by those phases, nor the specific permitting requirements there may be.

**Response to Comment 200-8**

Comment 200-8 is excerpts from the Proposed Biological Assessment for the Ellis Creek Water Recycling Facility. There are no comments associated with the attachment, and therefore no response can be made.

## **PUBLIC HEARING COMMENTS 1 TO 2, COMMISSIONER BURTON**

### **Response to Comment PH1**

*Comment Summary: The commentor refers to a letter from Bill Kortum and asks if the letter was left out of the packet or was just an error on the overview.*

A letter from Bill Kortum was received during the scoping process for the Draft EIR. Issues raised in this letter were addressed in the Draft EIR. The overview included letters received on the Draft EIR. Bill Kortum did not submit a comment letter on the Draft EIR.

### **Response to Comment PH2**

*Comment Summary: The commentor asks how recycled pipelines will be constructed beneath the river and whether a cost/fiscal analysis has been completed for the project.*

The WREP Project Description on pages 2-12 and -13 describes three trenchless methods by which a pipeline may be constructed under the Petaluma River: bore and jack, horizontal directional drilling, and microtunneling. A crossing beneath the Petaluma River would be evaluated in subsequent environmental documentation under CEQA. The portion of the comment regarding fiscal analysis is not a comment on the adequacy of the Draft EIR.

## **PUBLIC HEARING COMMENTS 3 TO 7, VICE CHAIR SULLIVAN**

### **Response to Comment PH3**

*Comment Summary: The commentor requests an explanation of why discharge of recycled water to the Petaluma River is allowed in the wintertime but not in the summertime.*

This is not a comment on the adequacy of the Draft EIR. For informational purposes, the City of Petaluma's NPDES permit to discharge, as regulated by the San Francisco Bay Regional Water Quality Control Board, prohibits discharge into the Petaluma River during the dry months of the year (May 1 through October 20).

### **Response to Comment PH4**

*Comment Summary: The commentor states that the project doesn't seem to include distribution pipelines on the west side of the Petaluma River as part of the Program-level improvements. A question is raised whether another project would be required to construct the distribution piping necessary to convey recycled water to future customers on the west side of the Petaluma River.*

The Recycled Water Service Area Boundary analyzed in the Draft EIR includes the west side of Petaluma. As new phases of the WREP move forward, installation of new distribution pipelines would occur, including a crossing of the Petaluma River. In addition, project-specific environmental review would occur for each phase.

### **Response to Comment PH5**

*Comment Summary: The commentor asks if the storage tank on Ielmorini Road would adequately serve the future delivery and use of recycled water in the urbanized areas of Petaluma on the west side of the Petaluma River, or if additional improvements would be needed.*

The tertiary tank was designed and located to accommodate build-out of the WREP, including the west side of Petaluma.

#### **Response to Comment PH6**

*Comment Summary: The commentor refers to the proximity of the storage tank to the Rodger's Creek Fault and asks if there is a magnitude or a Mercalli scale rating that the tank will be engineered to in order to ensure that it would withstand strong ground shaking during a major earthquake.*

The tertiary tank is designed to handle the maximum expected earthquake on the Rodgers Creek Fault: 7.0 magnitude.

#### **Response to Comment PH7**

*Comment Summary: The comment refers to the possibility that the tank on Ielmorini Road would be required by the Federal Aviation Administration to be marked and lighted for aviation safety and asks if such lighting would adversely affect visibility in the area.*

The tank site meets the FAA elevation and distance thresholds to require lighting,; however, given the placement of the tank into the hillside, it is not expected that the FAA would require the lighting. If the FAA were to require lighting on the tertiary tank, it would likely be visible from a about the same area as the tank, which is a very limited area. The potential lighting would not be screened by Mitigation Measure VR-1 Landscape Screening, but is not considered a significant visual impact because it would be small, visible from a limited viewshed, and would not create glare.

### **PUBLIC HEARING COMMENT 8, VICE CHAIR ARRAS**

#### **Response to Comment PH8**

*Comment Summary: The commentor asks if the construction schedule for the project terminates in 2025 concurrently with the Petaluma General Plan 2025 and if the project accounts for parks that are planned in the Petaluma General Plan 2025 that could potentially not get built? The commentor also asks City staff to elaborate on statements made during the meeting related to buildout of the General Plan and how the pace of that buildout may affect the timing and amount of increased water demand. The commentor questions if it is possible to mechanically restrict recycled water customers from irrigating during the day.*

Flexibility has been built into the WREP. If less tertiary water is needed, then more secondary water could be kept in the existing agricultural irrigation system. A decrease in available future park acreage would not interfere with operation of the WREP. Irrigation users would be required to follow strict recycled water irrigation guidelines as outlined in General Water Reuse Order 96-011 issued by the San Francisco Bay Regional Water Quality Control Board and CCR Title 22. Each user will need to enter into an agreement with the City and ensure that irrigation occurs as required by these permits.

### **PUBLIC HEARING COMMENT 9, CHAIR MILLER**

#### **Response to Comment PH9**

*Comment Summary: The commentor requests clarification on the pump stations needed for the program-level improvements, including whether or not a pump station is needed by the open reservoir.*



The open reservoir would have a small circulation pump but not a distribution pumping station. Pumping recycled water to the open reservoir would be accommodated by an existing pump station at the Ellis Creek WRF oxidation ponds. A pump station would be needed at such time as recycled water irrigation occurs at the Petaluma Golf and Country Club golf course.

#### **Response to Comment PH10**

*Comment Summary: The commentor asks City staff if their reference during the meeting to conceptual improvements was in reference to the program-level improvements in the CEQA documents.*

Yes, the conceptual improvements were meant to include the Program-Level Improvements.

#### **Response to Comment PH11**

*Comment Summary: The commentor asks if it is safe to use the recycled water in parks and school playgrounds.*

Using tertiary recycled water for irrigation, and other non-potable uses, in parks and school playgrounds is an allowable use under the California Code of Regulations Title 22. Also refer to Response to Comment PH13. Recycled water is used to safely irrigate over 400 park, playground and school yard sites in California.

### **PUBLIC HEARING COMMENTS 12 TO 16, JERRY LOSS**

#### **Response to Comment PH12**

*Comment Summary: The commentor states that expressing the amount of recycled water use as a thousand fifty million gallons is confusing. Also asked if 460 million gallons is the maximum amount of water savings that can occur with the current design of the project.*

The system has been designed to offset 464 MG of potable water. The WREP is sized to accommodate the needs of the General Plan 2025 at buildout. An important court case, *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4<sup>th</sup> 931, holds that growth decisions must be made in the first instance by cities when they adopt their general plans, and agencies that provide essential infrastructure necessary to serve that growth must base their planning efforts on growth authorized by approved general plans.

#### **Response to Comment PH13**

*Comment Summary: The commentor mentions pharmaceuticals that may be flushed to the sanitary sewer and which may be present following treatment. The question is raised as to how the City knows whether such chemicals are present in recycled water if such chemicals are not tested for.*

The safety of using recycled water was extensively analyzed in the General Plan EIR, specifically in Volume 6A, Technical Appendix G-2, and Master Response E Recycled Water, pages 42 to 49, incorporated herein by reference. There is general environmental and potential public health concern about the ubiquitous nature of pharmaceutical compounds in the water environment, especially in water sources intended for drinking and culinary uses. The concern is much less in waters intended for non-potable uses, such as agricultural and landscape irrigation. This is because the level of exposure to recycled water is orders of magnitude less than in the case of drinking water.

Research is ongoing on the subject at several academic institutions and the published results are being monitored by the City staff. The Santa Rosa Board of Public Utilities recently received updates on the state of the science and the risks presented by recycled water use for irrigation and recreational exposure (Kennedy, Laura. 2007. *Trace Pharmaceutical and Personal Care Product Residues in Recycled Waters: Fate, Toxicity, and Risk*. April 19, 2007). Table 2-2 below, illustrates data compiled from various sources related to the presence of a range of pharmaceuticals in recycled water. Table 2-3 illustrates the cumulative lifetime doses that an agricultural worker, a playground user and a recreational swimmer could expect when exposed to these pharmaceuticals via recycled water. In general, the lifetime exposure to recycled water is much lower than a single therapeutic dose of the pharmaceutical in question (see Tables 2-1 and 2-2 below). For example, a daily playground user (someone playing on a playground irrigated with recycled water) would be exposed through skin absorption to approximately 0.002 mg of Advil over the course of a lifetime, whereas a single dose (1 standard pill) of Advil is 200 mg.

**TABLE 2-1**  
**Pharmaceuticals in Recycled Water**

Pharmaceutical	Category	Recycled Water Treatment Level	Range (ng/l)	Mean (ng/l)
Ibuprofen (Advil)	NSAID	Tertiary	<10-37	13
Naproxen (Aleve)	NSAID	Tertiary	<10-300	71
Acetaminophen (Tylenol)	Analgesic/antipyretic	Unknown	<9-43	9.3
Metoprolol (Lopressor)	Beta-blocker	Tertiary	<10-130	35
Ciprofloxacin (Cipro)	Antibiotic	Tertiary	<30-180	87
Ethinylestrodial	Hormone	Tertiary	<0.1-0.49	0.33

Source: Kennedy 2007

Note: ng/l = nanograms per liter. A nanogram is one billionth ( $10^{-9}$ ) of a gram.

**TABLE 2-2**  
**Comparison of Cumulative Doses through Various Exposure Pathways**

Pharmaceutical	Single Therapeutic Dose (mg)	Recycled Water Exposure		
		Cumulative Agricultural Worker Dose (mg)	Cumulative Playground User Dose (mg)	Cumulative Recreational Swimmer Dose (mg)
Ibuprofen (Advil)	200	0.010	0.0003	0.002
Naproxen (Aleve)	200	0.030	0.001	0.007
Acetaminophen (Tylenol)	650	0.00007	0.0002	0.0001
Metoprolol (Lopressor)	50	0.0010	0.00009	0.0006
Ciprofloxacin (Cipro)	100	0.00004	0.0001	0.0009
Ethinylestrodial	0.02	0.0001	0.000005	0.00003

Source: Kennedy 2007

#### **Response to Comment PH14**

*Comment Summary: The commentor asks if the City is considering or has considered in the past the possibility of making grey water systems available to the public.*

This is not a comment on the adequacy of the Draft EIR.

#### **Response to Comment PH15**

*Comment Summary: The commentor asks if there is a specific reason why tertiary treated water would be used on certain golf courses while secondary treated water would be used on others. The question is raised as to why irrigation of golf courses would not solely be with secondary treated water.*

The existing golf courses being irrigated with secondary recycled water are served by a pipeline that would carry tertiary water once the Ellis Creek Facility becomes operational and the Near-Term Improvements built, as there would be other users served along that pipeline that would need tertiary water. To continue serving the golf courses with secondary water would mean installing a second pipeline which would be costly.

#### **Response to Comment PH16**

*Comment Summary: The commentor expresses interest in the impact that the WREP may have on water rates, especially in light of the some of the community's desire for a roll back in water rates twenty years.*

This is not a comment on the adequacy of the Draft EIR.

### **PUBLIC HEARING COMMENT 17, CHAIR MILLER**

#### **Response to Comment PH17**

*Comment Summary: The commentor asks if the City charges for the recycled water that is currently provided to golf courses and agricultural users.*

This is not a comment on the adequacy of the Draft EIR.

### **PUBLIC HEARING COMMENT 18, COMMISSIONER BURTON**

#### **Response to Comment PH18**

*Comment Summary: The comment refers to a guest that attended a technical committee meeting over a year and a half ago who was willing to provide free solar energy to power the wastewater treatment plant and requests that the commission be open to future opportunities to incorporate solar energy in public facilities as a way to reduce the carbon footprint.*

This is not a comment on the adequacy of the Draft EIR. The City will be working on all municipal operations to reduce its carbon footprint through the City's government operations Climate Action Plan and other efforts.

## **PUBLIC HEARING COMMENT 19, COMMISSIONER RITTENHOUSE**

### **Response to Comment PH19**

*Comment Summary: The comment recognizes the comprehensiveness of the Draft EIR and states that the Project supports the goals of the City's General Plan.*

This is a statement to move the project forward. The comment is appreciated.

## **PUBLIC HEARING COMMENT 20 TO 21, VICE CHAIR SULLIVAN**

### **Response to Comment PH20**

*Comment Summary: The commentor recommends clarifications to the Draft EIR related to the seismic engineering of the storage tank on Ielmorini Road to withstand any earthquake magnitudes that could occur from an earthquake on the Rodgers Creek Fault.*

See Response to Comment PH6.

### **Response to Comment PH21**

*Comment Summary: The commentor recommends clarifications to the Draft EIR related to distribution pipelines on the west side of the Petaluma River as part of the Program-Level Improvements, specifically, whether another project would be required to construct the distribution piping necessary to convey recycled water to future customers on the west side of the Petaluma River.*

See Response to Comment PH4.

## **PUBLIC HEARING COMMENT 22, VICE CHAIR ARRAS**

### **Response to Comment PH22**

*Comment Summary: The commentor asks if another public hearing meeting will be held in September and if the public comment period will be open until that time.*

A public hearing was held before the City Council on September 8, 2008. Public comments were accepted through the hearing on September 8, 2008.

## **PUBLIC HEARING COMMENT 23, CHAIR MILLER**

### **Response to Comment PH23**

*Comment Summary: The commentor proposed that the Planning Commission make a recommendation for the project with the two caveats mentioned by Commissioner Sullivan. Staff were directed to prepare the Final EIR for the project, including response to issues raised by Commissioner Sullivan and other Commission members.*

This is a statement to move the project forward. The comment is appreciated.

## **PUBLIC HEARING COMMENTS 24 TO 26, DIANE REILLY TORRES**

### **Response to Comment PH24**

*Comment Summary: The commentor is unsure if she can comment on the Draft EIR only, or if she can also express comments on the project itself.*

The commentor was allowed to comment on the project at the public hearing, however, this Final EIR need only respond to comments regarding the adequacy of the Draft EIR.

### **Response to Comment PH25**

*Comment Summary: The comment expresses concern that implementation of certain biological mitigation measures included as part of the Draft EIR could result in harm to feral cats.*

See the response to comments for Letter 200.

### **Response to Comment PH26**

*Comment Summary: The comment expresses concern about the cost of the project and how it will be funded.*

This is not a comment on the adequacy of the Draft EIR.

## **PUBLIC HEARING COMMENT 27, MARCELLE GUY**

### **Response to Comment PH27**

*Comment Summary: The comment expresses concern about feral cats and animals residing in wetlands that may be harmed as a result of the project.*

See the response to comments for Letter 200.

## **PUBLIC HEARING COMMENT 28 TO 29, BRYANT MOYNIHAN**

### **Response to Comment PH28**

*Comment Summary: The comment suggests delaying the preparation of a Final EIR until after the November 2008 elections in which Measure K will be voted on. It is stated that if Measure K passes, the City will not have the funds necessary to complete the project and thus the money spent to complete the Final EIR will have been unwisely spent.*

This is not a comment on the adequacy of the Draft EIR.

### **Response to Comment PH29**

*Comment Summary: The commentor suggests that small independent groundwater systems could be used at schools and on playing fields and would save the City and local schools money.*

The WREP EIR tiers from the EIR on General Plan 2025, where the primary decisions about provision of water supply were made. Please refer to the General Plan 2025 and its EIR for more information.

## PUBLIC HEARING COMMENT 30, TIFFANY RENEE

### Response to Comment PH30

*Comment Summary: The commentor states that she would like to see a program that will address private water catchment systems that would allow residents to help promote localized groundwater recharge.*

This is not a comment on the adequacy of the Draft EIR.

## PUBLIC HEARING COMMENTS 31 TO 34, MAYOR PAMELA TORLIATT

### Response to Comment PH31

*Comment Summary: The commentor asks if greenhouse gas emissions were quantified for the project, and if not, that they should be. Another question posed is if the project has incorporated measures to maximize the amount of decrease in greenhouse gas emissions, stating that any additional measures that could reduce emissions from the project would be helpful.*

As shown on page 5-13 of the Draft EIR Project Impact AQ-6 related to greenhouse gas emissions is less than significant and Cumulative Impact AQ-C6 is significant.

Table 2-3 below shows the three pumping systems that would be affected by the WREP at completion of the Program. The recycled water pump at the Ellis Creek WRF will be pumping more water, which requires more energy and would be responsible for approximately 79 tons of additional greenhouse gas emissions per year. The pump station that sends water to the Petaluma Golf and Country Club golf course would use less energy and save approximately 3 tons of greenhouse gas emissions per year. The Sonoma County Water Agency would no longer need to pump 464 MG of potable water to Petaluma per year. The amount of energy used by the Agency to pump water to Petaluma is unknown and subject to many variables; however, an order-of-magnitude estimate has been made to verify the common sense conclusion that it will require more energy to pump water from the Russian River than to pump water from the Petaluma Ellis Creek WRF. The estimated Greenhouse gas savings from reducing SCWA pumping range from 140 to 275 tons per year.

**TABLE 2-3**

**Greenhouse Gas Emission Estimates from the WREP**

	Energy Use (kWh per year)	GHG Emissions <sup>a</sup> (tons)	Increase/ (Decrease) in GHG (tons)
<b>Ellis Creek WRF Pump Station</b>			
Use for Existing Recycled Water Program	1,718,750	601	
Use for Expanded Recycled Water Program	1,943,750	680	79
<b>Petaluma Golf and Country Club Pump Station</b>			
Existing Potable Water Pump Station	37,000	13	
Future Recycled Water Pump Station	29,000	10	(3)

**TABLE 2-3**  
**Greenhouse Gas Emission Estimates from the WREP**

	Energy Use (kWh per year)	GHG Emissions <sup>a</sup> (tons)	Increase/ (Decrease) in GHG (tons)
SCWA Potable Water Pumping (464 MG offset) <sup>b</sup>	400,000 to 800,000	140 to 275	(140) to (275)
<b>TOTAL</b>			<b>(64) to (199)</b>

a. 0.7 pounds per kWh was used per the Clean Air and Climate Protection software (2003).

b. Additional water that the SCWA will not have to deliver to the City to serve General Plan 2025 buildout.

The Petaluma Golf and Country Club pump station has not yet been designed. When it is, consideration of energy efficiency will be an important component of the design. In addition, it is possible that in 10 to 15 years, when this pump station would be needed, that there would be new technologies that would provide higher efficiency than what is currently available. With regard to the Ellis Creek Water Recycling Facility pump station, per General Plan Policy 4-P-18 the City will periodically evaluate pumping facilities to identify measures to improve efficiency.

#### **Response to Comment PH32**

*Comment Summary: The commentor asks how close adjacent residents are to the proposed location of the storage tank on Ielmorini Road, whether the tank site would have any impacts on nearby residences, and if the property owners were personally notified of the project.*

The closest residence to the tank is approximately 600 feet beyond the tank. The Draft EIR did not identify any significant impacts from the tertiary tank on adjacent properties. The City has notified owners of property directly affected by the project about the project.

#### **Response to Comment PH33**

*Comment Summary: The commentor references the comparison of expanding groundwater versus recycled water presented during the meeting. The opinion is expressed that expansion of the recycled water program is the fiscally prudent way to proceed.*

This is not a comment on the adequacy of the Draft EIR.

#### **Response to Comment PH34**

*Comment Summary: The commentor asks how the City will measure the growth that will be allowed based on the additional potable water made available through implementation of the WREP. Also stated is that the City needs to make sure that from a water supply standpoint, growth is being paid for by new development that occurs.*

The Project supports only the level of growth envisioned in the General Plan 2025 as analyzed in the General Plan EIR. The portion of the comment relating to payment for water supply to serve new development is not a comment on the adequacy of the Draft EIR, but it is noted that the City's 2008 revision of its water and sewer capacity charge was designed to ensure that new development pays its fair share of improvements needed to serve future development.

## **PUBLIC HEARING COMMENTS 35 TO 39, VICE MAYOR RABBITT**

### **Response to Comment PH35**

*Comment Summary: The commentor states that it is important for the City to not spend the money from development impact fees on projects that aren't directly related to the impacts of the new development.*

This is not a comment on the adequacy of the Draft EIR. Please refer also to Response to Comment PH34.

### **Response to Comment PH36**

*Comment Summary: The commentor asks about the design of the project and Program-Level Improvements to withstand strong ground shaking from an earthquake on the Rodgers Creek fault. A question is also posed about the inclusion of distribution pipelines for urban irrigation in the City on the west side of the Petaluma River.*

Please refer to Response to Comments PH4 and PH6.

### **Response to Comment PH37**

*Comment Summary: The commentor asks about the potential need for additional environmental review upon implementation of additional phased delivery of recycled water as part of the WREP Program-Level Improvements.*

Additional project-level CEQA review would be necessary for each subsequent phase of the WREP. As provided in CEQA Guidelines section 15168, subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared. If a later activity would have effects that were not examined in the Program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration. If the City finds that no new effects could occur or no new mitigation measures would be required, the activity could be approved as being within the scope of the Program EIR, and no new EIR or negative declaration would be required. The City will use a written checklist to determine whether the environmental effects of the activity were covered in the Program EIR.

### **Response to Comment PH38**

*Comment Summary: The comment concerns the flexibility of the City to utilize reuse opportunities closer to the existing wastewater treatment plant, such as irrigation of median strip and water supply for fire hydrants and cooling towers. The question is posed as to whether such reuse opportunities could adequately offset potable water demands and meet the discharge requirements of the treatment plant in the event that reuse on the west side of the City becomes cost prohibitive.*

The land closer to the treatment plant is within the WREP project boundary and could be included as part of future phases of the project. Irrigation, cooling tower use, and water supply for fire hydrants are allowable uses of recycled water by Title 22 of the California Code of Regulations. Future phases of the Program-Level Improvements will be evaluated as part of supplemental or subsequent environmental analysis before those improvements are considered or approved for construction in future years.



**Response to Comment PH39**

*Comment Summary: The comment references the comparison of expanding groundwater versus recycled water presented during the meeting, and asks if the groundwater information included the six existing City wells.*

This is not a comment on the adequacy of the Draft EIR.

**PUBLIC HEARING COMMENT 40, MAYOR PAMELA TORLIATT**

**Response to Comment PH40**

*Comment Summary: The commentor asks if the funding of the wastewater treatment facility and the recycled water program would be provided through impact fees for new development.*

This is not a comment on the adequacy of the Draft EIR. For information purposes, the City's recently revised water and sewer capacity charges paid by new development include those costs of the wastewater treatment facility and recycled water expansion program attributable to new development.

### 3 REPLACEMENT PAGES

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#### INTRODUCTION

This section contains the replacement pages to be inserted into the Draft EIR in response to comments.

Agency and Public comments on the Draft EIR resulted in three replacement pages: page 4.5-16, 4.5-17, and 4.5-18. Text that has been added to the document is indicated in underline font, while text that has been deleted is indicated with strikethrough font. The header and footer is shown in the same format as the Draft EIR, but is modified to indicate the new date which reflects the release of the Final EIR.

**Impact:** AQ-6: Will the WREP increase greenhouse gas emissions levels which exceed pre-project levels by a substantial margin or conflict with AB 32 and its governing regulations?

**Analysis:** *Project-Level Near-Term Conveyance Improvements and Program-Level Improvements – Less than Significant*

Implementation of the WREP will require energy, mostly from existing pumping facilities, for the distribution of recycled water. However it is not anticipated that implementation of the WREP will cause a substantial increase in greenhouse gas emissions. The source of the recycled water is from the Ellis Creek WRF, located along Lakeville Highway in Petaluma. The tertiary recycled water will replace, on the most part, existing uses of potable water within the City such as at playing fields and parks. A majority of the potable water that serves the City is delivered by the Sonoma County Water Agency from the Rainey collectors along the Russian River (approximately 15 straight-line miles from the City of Petaluma). More energy would be required to lift and convey water to customers from the Rainey collectors than from the Ellis Creek WRF. When looking at distribution of recycled water from the Ellis Creek WRF, without taking into consideration energy saved from potable off-set, energy use increases by approximately 12 percent from 2005 to 2025 (Petaluma, 2007). In 2005 energy use associated with the distribution of recycled water was 1,718,750 kWh per year. Energy use in 2025 is estimated to be 1,943,750 kWh per year (Dodson-Psomas, 2006). Given General Plan 2025 Policy 4-P-1318 which requires the City to periodically evaluate pumping facilities to identify measures to improve efficiency, the potential exists for the 2025 energy estimates to be lower. This is in compliance with the State's Water Use Efficiency strategy discussed in the Setting section above. In addition, the State has strategies in place to increase the amount of green, renewable energy that enters the grid from the current 13% to 30% by 2020. Therefore, greenhouse gas emissions for the project would not increase at the same rate as energy, and may in fact go down. Taking into account all these considerations, including expected energy savings from potable water offset because of more energy required to transmit SCWA potable water, it is not anticipated that the project would result in a substantial increase in greenhouse gases and would not conflict with AB 32. Therefore, this impact is considered less than significant.

The one new pump station that would be built as part of the project, and would replace an existing pump station, would deliver recycled water to the Petaluma Golf and Country Club. Currently potable water is delivered to the golf course via a 10 hp pump station that uses approximately 37,000 kwh per year (Simmons 2007). The new pump station would be 7.5 hp and use approximately 29,000 kwh per year (Hunt 2007). Therefore, there would be a reduction in energy use and therefore a reduction in greenhouse gas emissions. No other significant sources of energy would be necessary to implement the WREP.

**Mitigation:** No mitigation is necessary.

## CUMULATIVE IMPACTS

**Impact:** AQ-C1 – C5: Will the WREP plus cumulative projects create impacts to air quality based on evaluation criteria 1 through 6?

**Analysis:** *Project-Level Near-Term Conveyance Improvements and Program-Level Improvements - Less than Significant*

Under the BAAQMD CEQA Guidelines, projects that individually have a significant air quality impact would be considered to have a cumulative impact to air quality. For projects that do not individually have a significant impact to air quality, the determination of a significant cumulative impact is based on the consistency of the project with the local General Plan and the Bay Area Clean Air Plan (i.e., 2005 Bay Area Ozone Strategy). With construction period ~~mitigation~~ project measures, the project is not anticipated to have a significant air quality impact. The project is not anticipated to induce any more growth in population than assumed in the latest planning assumptions. Construction of any future stationary air pollutant sources (i.e., emergency standby generators) would be subject to all applicable air quality rules and regulations. As a result, the project is not expected to conflict or obstruct the implementation of local and regional air quality planning efforts.

**Mitigation:** No mitigation is necessary.

**Impact:** AQ-C6: Will the WREP plus cumulative projects substantially increase greenhouse gas emissions levels which exceed pre-project levels by a substantial margin or conflict with AB 32 and its governing regulations?

**Analysis:** *Project-Level Near-Term Conveyance Improvements and Program-Level Improvements - Significant*

Implementation of the WREP would support implementation of the General Plan 2025. Implementation of the WREP was included in the cumulative analysis of greenhouse gas emissions in the Petaluma General Plan 2025 Air Quality – Greenhouse Gas Emissions Section Revised Draft EIR (2007), part of the City's certified General Plan 2025 EIR (2008). On April 7, 2008, the Petaluma City Council certified the EIR for the Petaluma General Plan 2025, which included the WREP in its cumulative analysis of greenhouse gases. Pursuant to 14 California Code of Regulations ("CEQA Guidelines") §§15162 and/or 15183, unless new and more severe significant impacts peculiar to the WREP or to the site(s) on which the WREP will be constructed are identified in this environmental study, the cumulative analysis in the EIR for the General Plan 2025 is adequate and relied on for an evaluation of cumulative greenhouse gas emissions and climate change impacts from the WREP.

The General Plan 2025 EIR found that estimated 2025 greenhouse gas emissions would be 8% below pre-project conditions with implementation of both the General Plan 2025 greenhouse gas reduction policies and State reduction strategies. However, despite the City's best efforts to identify probable greenhouse gas reductions from State measures and General Plan policies and programs, not all the State reduction measures have been formally adopted at this time. In addition, there is a substantial level of uncertainty about their effectiveness and how they will apply to local governments, and about the impact on global climate change of local, regional and State measures. Therefore, in the General

Plan 2025 EIR it could not be determined to a reasonable degree of certainty that buildout under the General Plan would not result in a cumulatively considerable contribution to the significant cumulative impact of global climate change. This impact is therefore considered significant; at least until regulatory thresholds of significance are established and/or further regulatory CEQA guidance is provided.

Mitigation: The Mitigation Measures assigned to Impact 3.10-6 in the General Plan 2025 EIR shall apply to the Project to the extent they are applicable and feasible. These measures include, but are not limited to, 4-P-~~13~~18A Periodically evaluate the efficiency of potable and sewer pumping facilities and identify measures to improve pumping facilities, 4-P-~~13~~18B Investigate and implement alternative sources of renewable power to supply City facilities, and 4-P-~~14~~19 Encourage use and development of renewable or nontraditional sources of energy. For reasons described at length in the General Plan 2025 EIR, mitigation is considered insufficient to reduce the project's cumulative impacts to less-than-significant levels, and, therefore, the impact remains significant and unavoidable.